

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JONATHAN WADE DUNNING,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 2:19-cv-08046-BJR-SMD

ORDER ADOPTING REPORT AND
RECOMMENDATION; AND TRANSFERRING
PETITIONER'S 28 U.S.C. § 2241 TO THE
UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA.

Petitioner Jonathan Wade Dunning ("Petitioner") filed a motion requesting an emergency hearing with this Court to grant him home confinement pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act")¹ and the First Step Act² on May 1, 2020. Dkt. No. 3. Petitioner is currently serving a federal sentence at the Federal Correctional Institution in Oakdale, Louisiana ("FCI Oakdale"), which he claims is "the epicenter for COVID-19 infections and deaths in the federal prison system." Dkt. No. 3 at 1. Petitioner states that he is at a higher risk of contracting the virus due to his underlying health conditions and believes that he is eligible for a modification in his sentence because he satisfies the criteria set by United States Attorney General William Barr regarding inmates suitable for release to home confinement due to the COVID-19 pandemic.³ *Id.*

¹ See P.L. 116-136 (Mar. 27, 2020).

² See P.L. 115-391 (Dec. 21, 2019).

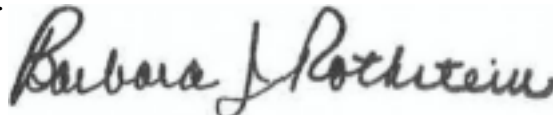
³ Memorandum from William Barr, Attorney Gen., U.S. Dep't of Justice, on Department Policy on Prioritization of Home Confinement as Appropriate in Response to COVID-19 Pandemic (Mar. 26, 2020), https://www.bop.gov/resources/news/pdfs/20200405_covid-19_home_confinement.pdf.

1 On May 6, 2020, the Honorable Stephen M. Doyle, United States Magistrate Judge, issued
2 a Report and Recommendation (“R&R”), treating Petitioner’s motion as a writ of habeas corpus
3 pursuant to 28 U.S.C. § 2241. Dkt. No. 5 at 2. Magistrate Judge Doyle further recommends that
4 Petitioner’s writ of habeas corpus be transferred to the United States District Court for the Western
5 District of Louisiana, where jurisdiction properly lies to consider Petitioner’s request for release
6 to home confinement. Dkt. No. 5.

7 The Court, having reviewed Petitioner’s petition for writ of habeas corpus, the Report and
8 Recommendation, and the record of the case, hereby finds and ORDERS:

- 9 1. The Report and Recommendation is APPROVED and ADOPTED;
- 10 2. Petitioner’s writ of habeas corpus (Dkt. No. 3) be TRANSFERRED to the United
11 States District Court for the Western District of Louisiana; and
- 12 3. The Clerk is directed to send copies of this Order to petitioner and to the Honorable
13 Stephen M. Doyle.

14 DATED this 12th day of May, 2020.

15 

16 BARBARA JACOBS ROTHSTEIN
17 United States District Judge
18
19
20
21
22
23